

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAL KONOPKA and DRAGAN BOSOTINA, and on behalf :	
of themselves and all others similarly situated, PLUMBERS :	No.: 25 Civ. 811
UNION LOCAL NO. 1 OF THE UNITED ASSOCIATION OF :	(RER)(CLP)
JOURNEYMEN AND APPRENTICES OF THE PLUMBING :	
AND FITTING INDUSTRY OF THE UNITED STATES AND :	DECLARATION OF
CANADA, TRUSTEES OF THE PLUMBERS LOCAL UNION :	GARRETT KASKE IN
NO. 1 WELFARE FUND, TRADE EDUCATION FUND, and :	SUPPORT OF
401(k) SAVINGS PLAN, TRUSTEES OF THE UNITED :	PLAINTIFFS'
ASSOCIATION NATIONAL PENSION FUND, and :	REQUEST FOR A
TRUSTEES OF THE INTERNATIONAL TRAINING FUND, :	CERTIFICATE OF
	DEFAULT
Plaintiffs,	:
	:
- against -	:
	:
PACE PLUMBING CORP., PACE PLUMBING DELAWARE :	
CORP., THE PACE COMPANIES NEW YORK, LLC, PACE :	
FIELD SERVICES, LLC d/b/a PACE MECHANICAL, and :	
EAGLESTONE, LLC d/b/a EAGLESTONE NY, LLC, and :	
ATERIAN INVESTMENT MANAGEMENT, LP d/b/a :	
ATERIAN INVESTMENT PARTNERS,	:
	:
Defendants.	:
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I, GARRETT KASKE, hereby declare as follows:

1. I am a partner at the law firm of Kessler Matura, P.C., co-counsel for Plaintiffs, and fully familiar with the facts and circumstances of this matter. I make this declaration pursuant to Rule 55.1 of the Civil Rules for the Eastern District of New York, in support of Plaintiffs' application for the entry of a default judgment against Defendants Pace Plumbing Corp., Pace Plumbing Delaware Corp., The Pace Companies New York, LLC, Pace Field Services LLC d/b/a Pace Mechanical, Eaglestone LLC d/b/a Eaglestone NY, LLC, and Aterian Investment Management, LP d/b/a Aterian Investment Partners.

2. This action was commenced pursuant to the Worker Adjustment and Retraining Notification Act ("WARN Act"), 29 U.S.C. § 2101, *et seq.*, and New York Worker Adjustment and

Retraining Notification Act (“NY WARN Act”), N.Y. Lab. Law § 860, *et seq.*. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 2104, and the doctrine of supplemental jurisdiction under 28 U.S.C. § 1367.

3. Plaintiffs filed the First Amended Class and Collective Action Complaint (ECF No. 8) (the “Complaint”) on March 12, 2025. Plaintiffs received the issued Summons the same day (ECF No. 10).

4. The time for the Defendants to answer or otherwise move with respect to the operative complaint has expired, as follows:

Defendant	Date and Time Served	Method of Service	Answer Due Date	Docket Entry No.
Pace Plumbing Corp.	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to Section 306 of the New York State Business Corporation Law (“BCL 306”).	04/17/2025	18
Pace Plumbing Delaware Corp.	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to BCL 306.	04/17/2025	19
The Pace Companies New York, LLC	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to Section 304 of the New York Limited Liability Company Law (“LLCL 304”).	04/17/2025	20
Pace Field Services LLC	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to LLCL 304.	04/17/2025	17
Eaglestone LLC	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to Section 303 of the New York Limited Liability Company Law.	04/17/2025	16

Aterian Investment Management, LP	03/27/2025 at 4:00 pm	Service upon the Secretary of State of New York, pursuant to Section 121-109(a) of the New York Limited Partnership Law.	04/17/2025	15
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5. Plaintiffs filed the above-referenced affidavits of service on March 31, 2025 (ECF Nos. 15-20), stating the time, date, and method of service.

6. As a result, Defendants' time to answer or otherwise move with respect to the Complaint was set as listed in paragraph 4 above.

7. Defendants have not answered or otherwise moved with respect to the Complaint, and the time for the Defaulting Defendants to answer or otherwise move has not been extended.

8. Defendants are not infants or incompetents. Defendants are not presently in the military service of the United States as appears from the facts in this litigation. Defendants consist of three corporations, two limited liability companies, and a limited partnership.

9. Defendants are indebted to Plaintiffs and the Class (as defined in paragraph 3 of the Complaint) in the following manner:

- a. On February 6, 2025, Defendants terminated all of the employees of Pace Plumbing Corp., Pace Plumbing Delaware Corp., The Pace Companies New York, LLC, and Pace Field Services LLC – exceeding 300 individuals, including Plaintiffs Konopka and Bosotina, without sufficient written notice as required by the WARN Act and NY WARN Act (collectively, “WARN Acts”).
- b. As a result, Plaintiffs and the putative Class seek damages equal to the sum of: their unpaid wages, salary, commissions, bonuses, accrued holiday pay, accrued vacation pay, benefit contributions, pension, and 401(k) contributions, COBRA, and other employee benefits, for statutorily-required period of time, that would have been

covered and paid under the then-applicable employee benefit plans had that coverage continued for that period, all determined in accordance with the WARN Acts, and attorneys' fees and costs.

WHEREFORE, Plaintiffs request that the default of Defendants Pace Plumbing Corp., Pace Plumbing Delaware Corp., The Pace Companies New York, LLC, Pace Field Services LLC d/b/a Pace Mechanical, Eaglestone LLC d/b/a Eaglestone NY, LLC, and Aterian Investment Management, LP d/b/a Aterian Investment Partners, be noted and a certificate of default issued.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: Melville, New York
April 18, 2025

Respectfully submitted,



Garrett Kaske

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**pro hac vice application forthcoming*

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